

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-20002

CG-93-3651

U.S. COURT OF APPEALS
FILED

JUN 28 1999

D.C. Docket No. H-96-CV-3036

HOUSTON CONTRACTORS ASSOCIATION; BEYER CONSTRUCTION, Beyer
Construction, Inc

CHARLES R. FULBRUGE II
CLERK

Plaintiffs - Appellees

v.

METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY; ET AL

Defendants

METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY

Defendant - Appellant

KOSSMAN CONTRACTING COMPANY INCORPORATED

Plaintiff - Appellee

v.

METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY; ET AL

Defendants

METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY

Defendant - Appellant

Appeals from the United States District Court for the
Southern District of Texas, Houston.

Before POLITZ, HIGGINBOTHAM, and DAVIS, Circuit Judges.

J U D G M E N T

This cause came on to be heard on the record on appeal and
was argued by counsel.

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COURT CLERK

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ON CONSIDERATION WHEREOF, it is now here ordered and adjudged by this Court that the judgment of the District Court in this cause is vacated, and the cause is remanded to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that costs be taxed against Houston Contractors.

ISSUED AS MANDATE:

SEP 15 1999

clerk

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Sharon Stearns, Fifth Circuit

Sharon Stearns

clerk

SEP 15 1999